

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

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FRED THOMAS, Jr.,	:	
	:	Civ. No. 21-14577 (RMB/SAK)
Plaintiff	:	
	:	
v.	:	<b>OPINION</b>
	:	
S.C.O. L. BYRD, <i>et al.</i> ,	:	
	:	
Defendants	:	
	:	

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This matter comes before the *sua sponte*, upon the return of legal mail sent by the Clerk of Court to Plaintiff's last known address. (Dkt. Nos. 9, 10.) The returned mail shows that, at least since December 6, 2021, Plaintiff is no longer present at Burlington County Jail in Mount Holly, New Jersey.

I. DISCUSSION

Local Civil Rule 10.1(a) provides, in relevant part:

unrepresented parties must advise the Court of any change in their . . . address[es] within seven days of being apprised of such change by filing a notice of said change with the Clerk. Failure to file a notice of change may result in the imposition of sanctions by the Court.

Dismissing a complaint without prejudice is an appropriate remedy for noncompliance with this rule. See Archie v. Dept. of Corr., Civ. No. 12-2466 (RBK/JS), 2015 WL 333299, at \*1 (D.N.J. Jan. 23, 2015) (collecting cases). On October 27, 2021, this Court directed the Clerk to issue summons to enable Plaintiff to serve the summons and his complaint on the defendants pursuant to Federal Rule of Civil Procedure 4. On October 18, 2021, the Court

received a letter from Plaintiff, enclosing a return of service for Defendant Sergeant Peer, and requesting assistance with service on the remaining defendants by the United States Marshals Service.<sup>1</sup> The Clerk of Court attempted to send Plaintiff USM-285 forms, which must be completed and returned for service of process by the United States Marshal's Service, but the mail was returned because Plaintiff is no longer incarcerated in Burlington County Jail. Plaintiff has not provided the Court with a notice of his change of address.

## II. CONCLUSION

The Court will dismiss this Complaint without prejudice pursuant to Local Civil Rule 10.1(a), subject to reopening upon Plaintiff's notice of his new address.

An appropriate order follows.

**Dated: December 30, 2021**

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Plaintiff paid the filing fee and did not seek *in forma pauperis* status under 28 U.S.C. § 1915(a). Therefore, he is not entitled to service of summon and his complaint on the defendants by the United States Marshal Service under Federal Rule of Civil Procedure 4(c)(3) without paying a fee.